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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/653,034	05/24/96	BISCHOFBERGER	N 205.5

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12M2/0326

EXAMINER

WEDDINGTON, K

ART UNIT

PAPER NUMBER

1205

DATE MAILED: 03/26/97

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/653,034

Applicant(s)

Bischofberger et al.

Examiner

Kevin E. Weddington

Group Art Unit

1205



☒ Responsive to communication(s) filed on none

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-20 are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Serial Number: 08/653,034

-2-

Art Unit: 1205

PART III DETAILED ACTION

*ELECTION/RESTRICTION*

RESTRICTION TO ONE OF THE FOLLOWING INVENTIONS IS REQUIRED UNDER 35

U.S.C. 121:

GROUP I. CLAIMS 1, 2 AND 4-20 ARE DRAWN TO A COMPOSITION AND A METHOD CONTAINING COMPOUNDS OF FORMULAE (I) OR (II), CLASSIFIED IN CLASS 514, SUBCLASSES 315, 365, 385, 396, 408, 421, 432, 446 AND 451.

GROUP II. CLAIM 3 IS DRAWN TO A METHOD FOR THE TREATMENT OF PROPHYLAXIS OF INFLUENZA INFECTION WITH A COMPOUND, CLASSIFIED IN CLASS 514, SUBCLASSES 315, 365, 385, 408, 421, 432, 446, 451 AND 888.

THE TWO INVENTIONS ARE INDEPENDENT AND DISTINCT, EACH FROM THE OTHER AS THEY HAVE ACQUIRED A SEPARATE STATUS IN THE ART AS SHOWN BY THEIR DIFFERENT COMPOUNDS AND SEPARATE SUBJECT MATTER FOR INVENTIVE EFFORT. FURTHER, A REFERENCE WHICH ANTICIPATES ANY ONE OF THE ABOVE INVENTIONS WOULD NEITHER ANTICIPATE OR MAKE OBVIOUS OF THE OTHER INVENTION. EACH SUCH INVENTION IS CAPABLE OF SUPPORTING ITS OWN PATENT. FOR THESE REASONS, THE RESTRICTION REQUIREMENT IS PROPER.

Serial Number: 08/653,034

-3-

Art Unit: 1205

TO BE COMPLETE, APPLICANTS' RESPONSE MUST INCLUDE A PROVISIONAL ELECTION  
EVEN THOUGH THE REQUIREMENT MAY BE TRAVERSE.

THE APPLICANTS ARE REQUIRED TO ELECT A SINGLE INVENTION FOR EXAMINATION  
PURPOSES.

ANY INQUIRY CONCERNING THIS COMMUNICATION OR EARLIER COMMUNICATIONS  
FROM THE EXAMINER SHOULD BE DIRECTED TO EXAMINER K. WEDDINGTON WHOSE  
TELEPHONE NUMBER IS (703) 308-1235.

*K. Weddington*  
KEVIN E. WEDDINGTON  
PATENT EXAMINER  
GROUP 1200

K. WEDDINGTON  
MARCH 25, 1997